

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

BEN L. BUFFINGTON, JR., )  
vs. Plaintiff, ) 4:09-CV-2558-SLB-JEO  
LT. ALAN KAY and )  
DR. ROBERT W. THEAKSTON, )  
Defendants. )

**MEMORANDUM OF OPINION**

On July 13, 2011, the magistrate judge filed a report and recommendation that the defendants' motion for summary judgment be granted and this cause be dismissed without prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby adopted and his recommendation is accepted. The court expressly finds that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motion for summary judgment is due to be granted and this action is due to be dismissed without prejudice. A Final Judgment will be entered separately.

Done this 16th day of September, 2011.

  
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SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE